

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2357 OF 2002

Badrinath Nandkishor Ladda, .. Petitioner
Vs
Hanuman Nagari Sahakari
Patsanstha Maryadit & ors. .. Respondents
Mr Anuraj Jain i/b Dr.V.K.Chowdhari, for the
petitioner.
Mr Purushottam Chavan h/f Mr S.S.Patwardhan for
respondent no.1.
Ms Betty D'Souza i/b M/s M.P.Vashi & Associates for
respondent nos 4,6 and 12.

CORAM : D.B.BHOSALE, J.

DATE : FEBRUARY 16, 2005.

P.C.

1. Heard the learned counsel for the parties.
2. Rule. Returnable forthwith. The learned counsel waives service for the respondents. By consent, Rule is heard finally.
3. This writ petition is directed against the order dated 12.2.2002 passed by the Co-operative Appellate Court, by which the notice was issued to the respondents in the appeal making it returnable on 13.3.2002. The appeal was directed against the order passed in the application for interim injunction restraining the society from disposing their assets by which the Co-operative Court issued notice making it returnable on 8.3.2002. The dispute is filed by the petitioner for recovery of Rs. Sixty lacs

from respondent no.1-society. This Court, while issuing notice on 16.4.2002, directed the parties to maintain status-quo as on that date.

4. Considering the overall facts and circumstances of the case, in my opinion, this petition can conveniently be disposed of by directing the Co-operative Court to dispose of the dispute, bearing Co-operative Case No.114 of 2002 by keeping the order of status-quo granted in April 2002 operative. The learned counsel appearing for the parties have fairly agreed for this order. Hence the following order.

- (i) The Co-operative Court shall endeavour to dispose of the dispute, bearing Co-operative Case No.114 of 2002 filed by the petitioner for recovery of an amount of Rs.Sixty lacs approximately from respondent no.1-society as expeditiously as possible and preferably within a period of six months from today. The order of status-quo granted by this Court on 16.4.2002, shall remain operative till the disposal of the dispute.
- (ii) The Rule is disposed of accordingly.

:3:

(D.B.BHOSALE, J.)